

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6010 of 2018

=====

Rakesh Gupta son of Sri Dinanath Gupta, resident of Naya Tola, Ward No. 35,
P.S. Sadar, District- Katihar.

.... Petitioner

Versus

1. The State of Bihar through the Director, Mid Day Meal, Bihar, Patna.
2. The Director, Mid Day Meal, Bihar, Patna.
3. The District Magistrate-cum-Chairman, District Level Committee, Mid Day Meal Scheme, Katihar.
4. The District Programme Officer, Mid Day Meal Scheme-cum-Secretary, District Level Committee, Katihar.

.... Respondents

=====

Appearance :

For the Petitioner	:	Mr. N.K. AGRAWAL, Sr. Advocate. Mr. Dhananjaya Nath Tiwari, Advocate.
For the State	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, AC to AAG-5
For the MDM	:	Mr. Girijesh Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-04-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing the office order contained in Memo No. 72/Katihar dated 02.02.2018 passed by the District Programme Officer-cum-Secretary, Mid Day Meal Scheme Committee, Katihar by which the petitioner has been discharged from the responsibility of work of Mid Day Meal Transporter; and for direction to restore the work of the petitioner of Mid Day Meal Transporter for Block- Hasanganj in the District of Katihar.



3. Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioner raises a short submission to assail the impugned order dated 02.02.2018 (Annexure-2) by which the petitioner has been relieved from lifting and distribution of foodgrains with immediate effect, on the ground that such order has been passed without complying with the principles of natural justice and no prior notice whatsoever was issued to the petitioner. It is submitted that even though the agreement between the parties was valid only upto 31.03.2018, the petitioner is entitled to apply for consideration of extension of period of the agreement for a further period of one year but however he is being prevented from being considered for such extension by reason of the impugned order.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the specific stand of the petitioner that no notice has been issued prior to the impugned order being passed which has civil consequences, it is evident that the decision making process has been vitiated as being violative of principles of natural justice. The impugned order dated 02.02.2018 (Annexure-2) is accordingly quashed. No purpose will be served in remanding the matter to the concerned authority for fresh decision considering that the immediate validity of the agreement has already come to an end. It is made clear that in case the petitioner applies for extension of the



agreement, the same shall be considered by the authority on its own merits in accordance with law.

6. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.04.2018
Transmission Date	N.A.

